

Appin. No. 10/646,276

Attorney Docket No. 11721-032

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claims 1-35 remain pending.

Allowable Subject Matter

Applicant acknowledges the examiner's indication that claims 9, 17, 26 and 35 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9 and 17 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Further, claim 27 has been amended to include all the limitations of claim 35 noted by the examiner to contain allowable subject matter.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-8, 10-16, 18-25, and 27-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,623,032 to Curtis et al. (Curtis) in view of U.S. 2004/0011277 to Barnes et al. (Barnes).

Claims 1 and 19 recite "the first, second, and third members cooperate to form an S-Clip." The examiner contends that the S-Clip is the functional equivalent of the E-shaped clip shown in Barnes. However, the E-Clip design of Barnes does not provide the same torsional response to tension in the seat belt

BRINKS
HOFER
GILSON
& LIONE

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60610

Appln. No. 10/646,276

Attorney Docket No. 11721-032

and is not as secure on the seat belt as an S-Clip design. For example, the outer members of the E-Clip are connected to the tie bar and both serve to stabilize the tie bar relative to the deflection in the middle element. However, in an S-Clip configuration, the outer elements are tied to opposite ends of the middle element to create a complementary torsional force that is unique from the E-Clip configuration.

In addition, when tension is loosened in the belt, the E-Clip configuration is only constrained laterally in one direction by the interference of the tie bar with the seat belt. However, the S-Clip configuration is constrained in two directions. The S-Clip is constrained in the first direction by the connection between the first element and third element and in the second direction by the connection between the second element and third element. Therefore, a loss in tension will not allow lateral movement of the S-Clip relative to the seat belt. Further, as denoted in claims 5 and 21, a tooth may be provided at either opening of the S to further constrain the seat belt and secure the location of the S-Clip relative to the seat belt.

With regard to Barnes, both the complexed hinged configuration (Fig. 1-3) and the roller configuration (Fig. 4) similar to the E-Clip are shown. The same arguments, noted above with respect to Curtis, apply to the E-Clip configuration shown in Barnes. Further, the hinged configuration shown in Figures 1-3, also does not provide the same torsional reaction as described above in reference to the S-Clip. In addition, the complexed hinge arrangement is clearly structurally different from the S-Clip and adds additional cost and complexity to the design.

BRINKS
HOFFER
GILSON
ALTONE

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60610

Appln. No. 10/648,276

Attorney Docket No. 11721-032

and manufacture of such an apparatus as compared to the S-Clip design. In light of the above discussion, applicants contend that clearly the S-Clip is not the functional or structural equivalence of either the apparatus shown in Curtis or Barnes. Further, neither Curtis nor Barnes teach or suggest the S-Clip arrangement and therefore, do not teach or suggest the present invention according to claims 1 and 19.

Claims 2-8, 10-15, and 19-26 are patentable for at least the same reasons as given above in support of claims 1 and 19.

As noted above, claims 9, 17, and 27 include the subject matter indicated by the examiner as allowable. Claims 28-33 depend from claim 27 and are, therefore, patentable for at least the same reasons as claim 27. In addition, claims 4, 16, 20, 34, and 35 have been cancelled, therefore the rejection as applied to those claims is moot.

Accordingly, applicants respectfully request withdrawal of the rejections under 35 U.S.C. §103.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of

BRINKS
HOFER
GILSON
LIONE

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60610


Appln. No. 10/646,276

Attorney Docket No. 11721-032

record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

Dated: February 8, 2006


Robert K. Fergan
Reg. No.: 51,674
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(734) 302-6000



BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60610